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Nalco Docket No.: 7780-NES
Customer No. 000049459

REMARKS

This is in reply to the Office Action mailed on December 15, 2006 ("Office Action").

Claims 1-28 are currently pending.

Claims 22-28 are withdrawn from consideration pursuant to a restriction requirement under 35 U.S.C. § 121.

Claims 1 and 17-21 are rejected under 35 U.S.C. § 102(b) over U.S. Patent 3,303,050 ("Roberts").

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) over U.S. Patent 3,303,050 ("Roberts").

Claims 4-16 are objected to as being based on a rejected base claim.

Claim 1 is amended to particularly point out and distinctly claim subject matter which Applicant regards as his invention. Support for this amendment is found in the specification at page 3, lines 18-20 and page 4, lines 1-3.

No new matter is added by this amendment.

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Nalco Docket No.: 7780-NES
Customer No. 000049459DISCUSSIONThe Rejection of Claims 1 and 17-21 under 35 U.S.C. § 102(b) over U.S. Patent 3,303,050

Claims 1 and 17-21 are rejected under 35 U.S.C. § 102(b) over U.S. Patent 3,303,050 (“Roberts”). In reply to Applicant’s arguments in the Amendment and Reply dated October 12, 2006 the Examiner states:

As noted in the previous office action, Roberts teaches various copolymers. Again, please see Examples IV-VI. Applicants traverse this rejection by stating that the term “consisting of” excludes the crosslinking monomers. This is not true. Please note that claimed component (c) includes “one or more” monomer, including vinyl heterocyclyl monomers and (meth)acrylamide monomers. In Example V there is 10 parts of methylolacrylamide. This is a (meth)acrylamide monomer and thus is within the breadth of monomer (c). The total amount of methylolacrylamide and vinyl acetate in this example is 30 wt%. As such this polymer anticipates the prior art.

Similar arguments can be made with regard to Examples IV and VI, which include glycidyl methacrylate, a vinyl heterocyclyl monomer that falls within the breadth of (c).

Office Action at page 2.

Applicant respectfully traverses this rejection.

Applicant has amended claim 1 to incorporate the definitions of (meth)acrylamide monomer presented at page 3, lines 18-20 and the definition of vinyl cycloalkyl monomer presented at page 4, lines 1-3. In light of this amendment, Applicant respectfully asserts that monomers such as methylolacrylamide (Example V) and glycidyl methacrylate (Examples IV and VI) are excluded from the claims. Accordingly, as amended claim 1 recites different polymers from the polymers disclosed in Roberts, Applicant respectfully requests withdrawal of the rejection of claims 1 and 17-21 under 35 U.S.C. § 102(b).

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The Rejection of Claims 2 and 3 under 35 U.S.C. § 103(a) over U.S. Patent 3,303,050

Claims 2 and 3 are rejected under 35 U.S.C. § 103(a) over U.S. Patent 3,303,050 ("Roberts").

Applicant respectfully traverses this rejection.

As discussed in the Amendment and Reply dated October 16, 2006, Applicant respectfully asserts that one of skill in the art would have no motivation to look to the teachings of Roberts, which discloses a different polymer for a different application, omit the methylol- and/or glycidyl-containing monomer disclosed therein and selectively polymerize monomers (a), (b) and (c) in the recited amounts to the claimed molecular weight to thereby arrive at the polymer of claims 2 and 3. Accordingly, Applicant respectfully requests withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. § 103(a) over Roberts.

Request for Rejoinder

Applicant respectfully reasserts the request for rejoinder presented in the Amendment and Reply dated October 16, 2006 and respectfully requests rejoinder of claims 22-28 with claims 1-21 for the reasons set forth therein.

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CONCLUSION

In view of the foregoing amendment and remarks, Applicant respectfully requests withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a) and rejoinder of claims 22-28 with claims 1-27 and respectfully asserts that this application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully Submitted,

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